



IT IS ORDERED as set forth below:

Date: April 26, 2011

Wendy L. Hagenau

Wendy L. Hagenau
U.S. Bankruptcy Court Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	CHAPTER 13
)	
SCOTTIE LEBHOR MCWILLIAMS,)	CASE NO. 09-91885-WLH
KIMBERLY JOAHNN MCWILLIAMS,)	
)	
Debtors.)	
-----)	-----
)	
U.S. BANK, N.A, ITS ASSIGN)	
AND/OR SUCCESSORS IN)	
INTEREST,)	
)	
Movant,)	CONTESTED MATTER
)	
vs.)	
)	
SCOTTIE LEBHOR MCWILLIAMS,)	
KIMBERLY JOAHNN MCWILLIAMS,)	
and NANCY J. WHALEY, as)	
Trustee,)	
)	
Respondents.)	

CONSENT ORDER

U.S. BANK, N.A, ITS ASSIGN AND/OR SUCCESSORS IN INTEREST ("US BANK") filed a "Motion to Terminate Stay and to Authorize Movant to

Take Possession of Collateral" (Doc. No. 40) ("Motion"), which came on regularly for hearing on March 30, 2011 upon lawful notice given to Debtor(s) and Debtor's attorney. The subject of the Motion of US BANK is Debtor's property located at 255 Player Circle, Fayetteville, GA 30215 (the "Property"). Based upon the parties' consent, as evidenced by the signatures below, it is hereby

ORDERED that:

1.

On or before April 10, 2011, Debtor shall pay direct to US BANK \$3,000.00. Payments shall be paid to US BANK as follows: US Bank; 15000 Surveyor Boulevard, Suite 100, Addison, TX 75001.

2.

Commencing April 1, 2011, Debtor shall maintain regular monthly payments directly to US BANK as due.

3.

Debtor shall modify their Chapter 13 Plan to include certain post-petition arrears (\$9,053.25) inside the plan to be cured by the Chapter 13 Trustee at a minimum rate of \$500.00 per month. (Post petition arrears May 2010 - March 2011 at \$1,082.45 each, late fees \$43.30 each, less suspense of \$1,080.00, less \$3,000.00 as per Paragraph No. one (1) plus Attorney fees of \$750.00).

4.

US Bank is hereby authorized to amend its arrearage Proof of Claim to increase said amount by \$9,053.73 which represent certain post-petition arrears plus Attorney fees as set forth in Paragraph No. three (3).

5.

So long as all the terms and conditions set forth above are complied with, the automatic stay shall remain in effect. Should the Debtor(s) fail, however, to comply with any of the terms and conditions set forth herein within at any time from the date of entry of this Order, and US BANK may be permitted to recover and dispose of its collateral pursuant to applicable state law only after submitting a Delinquency Motion (as more particularly described below) and the entry of an order modifying the automatic stay of 11 U.S.C. Section 362 in the following manner:

(A) Counsel for US BANK shall serve both Debtor(s) and Debtor's counsel of record at the address on the attached distribution list, with written notice of the specific facts of the delinquency (the "Delinquency Notice"); said notice may be contained in a letter but shall

- (1) state that Debtor(s) may cure the delinquency within ten (10) calendar days of receipt of said notice, and
- (2) shall specifically provide the correct street address in for mailing or delivering such payments and proof of insurance.

Pursuant to this Order, Debtor(s) shall be presumed to have received the Delinquency Notice on the fifth (5) calendar day following the mailing of said notice by Counsel for US BANK; provided, however, that

- (a) the Delinquency Notice is properly addressed to Debtor(s) at the address set forth on the

Distribution List attached to this Order pursuant to BLR 9013-3(c)(2) NDGa, unless US BANK or Counsel for US BANK receives notice in writing of a change in Debtor's address within a reasonable time prior to mailing of the Delinquency Notice; and

(b) The Delinquency Notice is not returned to Counsel for US BANK by the U. S.

Postal Service as undeliverable by reason of improper address.

(B) If Debtor(s) fails to cure the delinquency within ten (10) days of receipt of said written notice, Counsel for US BANK may present to the Court, after service on both Debtor(s) and Debtor's counsel:

- (1) a **motion**, which must contain allegations of the specific facts of the delinquency; provided, however, that instead of alleging the facts of the delinquency in the motion (the averments of which are subject to Rule 9011), the motion may be accompanied by an affidavit from Movant setting forth the specific facts of the delinquency;
- (2) a copy of the **Delinquency Notice**;
- (3) a **proposed order** (the motion, affidavit, copy of the Delinquency Notice and the proposed order are herein collectively referred to as the "**Delinquency Motion**").

Upon presentation of said Delinquency Motion, the Court may enter an order modifying the stay as to the Collateral, without

further notice or hearing.

Upon sale or other disposition of the property, US BANK shall promptly remit to Trustee such proceeds, if any, as exceed the lawful debt due US BANK. It is further

ORDERED that relief granted herein shall not be stayed by BR 4001 (a)(3).

[END OF DOCUMENT]

[Signatures Continued on Next Page]

RE: US BANK v. Scottie Lebhör McWilliams,
Kimberly JoAhnn McWilliams
Chapter 13 Bankruptcy Case No. 09-91885-WLH

(SIGNATURES CONTINUED FROM PREVIOUS PAGE)

PRESENTED BY:
LEVINE, BLOCK & STRICKLAND, LLP.

BY: /s/ Ronald A. Levine
Ronald A. Levine, Esq.
(GA Bar No. 448736)
Attorneys for Movant
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Atlanta, Georgia 30342
(404) 231-4567

CONSENTED TO:

/s/ Michael R. Rethinger
Michael R. Rethinger, Esquire
R and R Law Group, LP
[By Ronald A. Levine With Express Permission]
(GA Bar No. 301215)
Attorney for Debtor(s)
72 Spring Street, SW
Atlanta, GA. 30303
770-922-0066

HAVE SEEN AND NO OPPOSITION:

/s/ Melissa Davey
Melissa Davey, Esq.
(GA Bar No. 206310)
Chapter 13 Trustee
303 Peachtree Center Avenue
Suntrust Garden Plaza, Suite 120
Atlanta, GA 30303
678-992-1201

DISTRIBUTION LIST

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